

sentation acceptable. It would be my understanding, of course, that there would be no question but that the General Assembly would provide by rule those things which are called for in 3.17a.

THE CHAIRMAN: Are there any questions of the sponsor of the amendment? Delegate Macdonald.

DELEGATE MACDONALD: I just have an observation.

THE CHAIRMAN: Make the observation.

DELEGATE MACDONALD: In the article on the judicial branch we use the term "by rule" probably as a term apart, and the court refers to a rule by the Court of Appeals. Here we use the same term, and we obviously do not mean the same thing. We can just call it to the attention to the Committee on Style.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I believe it is a word of art insofar as the General Assembly is concerned because both the house and senate offer their own rules and it is guided by them, so it has a distinct meaning when you are dealing with matters pertaining to the legislative branch.

THE CHAIRMAN: Are there any further questions of the sponsor of the amendment?

*(There was no response.)*

Are there any discussions?

Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, and fellow delegates: Let me say as one who has participated in this compromise that I do so with a certain degree of reluctance. I only did it with respect to resolving the intricate legal questions that were raised by Delegate Case, not that in my own mind the issues were not clear, but simply because I did not want to spread on the record of this Convention, that confusion.

I am assured by the Chairman of our Committee that the primary mover of these amendments to delete these provisions, Delegate James, is under no illusion or misapprehension that there is a mandate on the General Assembly in both houses with respect to carrying out the provisions, particularly in section 3.17a. It is clear, of course, under our prior discussion that if those houses do not carry these provisions out, there is no way that such action can be

subject to a legal proceeding on the part of any citizen. It is that area, of course, where my concern rests, but in the interest of resolving this and with the assurances that I understand Senator James has given and which I hope before we conclude this debate we would say once more aloud, I will support this compromise measure.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: Mr. Chairman, my principal concern about this was a strict interpretation given to these procedural provisions. I am satisfied that the actions of the General Assembly are not going to be declared invalid because of the failure to comply with some technicality. I am sure the General Assembly will carry forward the concepts of 3.17a.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: In section 3.17a it says the General Assembly shall provide by rule, and down in line 27 beginning with 25, "the General Assembly shall provide by rule that all final committee votes on all bills in both houses shall be entered by individual recorded vote in the daily journal of the appropriate house." That was left intact from section 3.17 which failed to pass Delegate James' amendment. It does not give the possibility of the committee votes being recorded because the rule might not be passed by the General Assembly in regard to this. Is that not right?

THE CHAIRMAN: If your question is addressed to the Chair, I would have to agree that if the General Assembly did not provide this by rule, it could be ignored; it would seem to me and this is purely a personal observation, it would be inconceivable that the General Assembly will flaunt a very clear and explicit constitutional provision. I cannot imagine that the General Assembly would refuse to pass a rule provided for in section 3.17a.

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: May I ask Delegate James' interpretation of it?

DELEGATE JAMES: I think it would be clearer if the General Assembly would do this. However, there is nothing before us to take the final vote and be defeated in committee by being ignored. There is nothing you can do about that in any constitution.